

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CR-00188-F-1

UNITED STATES OF AMERICA,

v.

MARCUS ANTONIO McNEILL,
Defendant.

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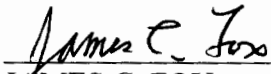
ORDER

This case is back before this court following a remand from the Fourth Circuit Court of Appeals. The Fourth Circuit held that this court must answer two narrow questions: (1) The court must determine whether McNeill sent his petition on time, and (2) The court must determine whether McNeill sent his petition to the Indiana District Court, or some other court that falls under the mandate of 28 U.S.C. § 1631.

The Office of the Federal Public Defender is appointed to represent McNeill in connection with these proceedings. The Clerk is DIRECTED to serve the Office of the Federal Public Defender with a copy of this order. Within thirty (30) days after counsel for McNeill has made an appearance, counsel is DIRECTED to contact the undersigned's criminal case manager, Shelia Foell, at (252)830-2330, to schedule a hearing.

SO ORDERED.

This, the 24th day of June, 2013.



JAMES C. FOX
Senior United States District Judge